



City of Seattle

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Gregory J. Nickels, Mayor

**Department of Design, Construction and Land Use**

D.M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF DESIGN, CONSTRUCTION AND LAND USE**

**Application Number:** 2200906

**Applicant Name:** Terry Beals for Central Puget Sound Regional Transit Authority

**Address of Proposal:** 3407 Airport Way S.

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish the use for future construction of an operations and maintenance base for a public facility (light rail transit facility) on a 25-acre site. The project includes construction of a four-story, 150,000 sf building and parking for 169 vehicles; and includes on-grade tracks and two elevated spur tracks. Access would be via Airport Way S. An Environmental Impact Statement (EIS) was prepared by Sound Transit (issued November, 1999).

The following approval is required:

Essential Public Facilities - Chapter 23.80

SEPA - for conditioning only - Chapter 25.05.

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☒ EIS\*

☐ DNS with conditions

☐ DNS involving non-exempt grading, or demolition or another agency with jurisdiction.

\* Final Environmental Impact Statement Issued by Central Puget Sound Regional Transit Authority in November of 1999.

## **BACKGROUND DATA**

<u>Site Location:</u>	South Duwamish Industrial area on a parcel generally bounded by Airport Way S. to the east; S. Forest Street to the north; 7th Avenue S. if extended, to the west; and vacated S. Hinds Street to the south.
<u>Site Description</u>	The 25-acre site is vacant ground, covered with dirt and gravel.
<u>Zoning:</u>	The entire site is located in a General Industrial 2 (IG-2) zone with an 85-foot maximum height limit within the Duwamish Manufacturing/Industrial Center Urban Village overlay. The eastern portion of the property is within the Duwamish area's historical shoreline, officially identified by the U.S. Government Meander Line map (per DCLU Director's Rule 2-98). The property is also within an Environmentally Critical Areas (ECA) liquefaction zone
<u>Zoning in Vicinity:</u>	Zoning in the vicinity and to the east of the site is IG-2 U/85. Zoning further to the west beginning at 6th Avenue S. is IG-1 U/85.
<u>Uses in Vicinity:</u>	There is a mix of various commercial and industrial uses in the vicinity of the project site.
<u>Project Description:</u>	<p>The applicant, Sound Transit, proposes to construct an Operations and Maintenance (O&amp;M) Base Facility for its Central Link light rail operations. The 25-acre site would be initially developed with a four-story, approximately 150,000sf structure (80,000sf foot print) that would house administrative offices, system operations, central control, dispatch and light rail vehicle repair, and storage facilities. Site activities include a vehicle wash facility attached to the main building, a yard substation building, a main line substation building and other smaller incidental buildings for related equipment.</p> <p>Trackwork on the site would include both open track in the storage yard and paved tracks next to the building and at road crossings; two elevated spur tracks; and surface parking for 169 vehicles.</p>
<u>Related Permits</u>	<p>The following permits/actions have been issued on the subject property:</p> <ul style="list-style-type: none"><li>• Street Vacation (CF 304506) approved July, 2002.</li><li>• Demolitions associated with O&amp;M Facility: MUP #2106811          500 S. Lander St.</li></ul>

MUP #2106818	2900 6th Av. S.
MUP #2106931	725 S. Hanford St.
MUP #2106960	3300 6th Av. S.
MUP #2107080	2910 Airport Way S.
MUP #2107086	3229 Airport Way S.
MUP #2107087	2901 Airport Way S.
• Lot Boundary Adjustment associated with O&M Facility	
MUP #2200902	3400 6th Av. S.
MUP #2200903	3300 6th Av. S.
MUP #2200904	3200 6th Av. S.
MUP #2200905	2958 6th Av. S.

Public Comments

The public comment period ended June 19, 2002. The Department did not receive comments concerning the proposal.

**ANALYSIS – ESSENTIAL PUBLIC FACILITIES**

Pursuant to SMC 23.80.002, in reviewing an application for a proposed essential public facility, the Director considers a specified set of criteria listed in SMC 23.80.004. Based on the information provided by the applicant and review of the proposal by the Land Use Planner, the following findings are made with respect to the criteria cited:

**SMC 23.80.004 A:**

- 1. Interjurisdictional Analysis. A review to determine the extent to which an interjurisdictional approach may be appropriate, including consideration of possible alternative sites for the facility in other jurisdictions and an analysis of the extent to which the proposed facility is of a county- wide, regional or state-wide nature, and whether uniformity among jurisdictions should be considered.***

The proposed Central Link light rail system is a component of the region's voter-approved Sound Move, Sound Transit's 10-year program for regional high-capacity transportation. As part of the development of Sound Move, and the preparation of the Environmental Impact Statement for the Central Link light rail line, a wide range of alternative routes were considered before selecting the proposed route. To achieve its purpose, the Central Link light rail system would extend through the most heavily populated portions of King County and Seattle and would be located in several local jurisdictions between SeaTac and North Seattle. The overall design of the system was based on an interjurisdictional approach to transportation planning in the region.

- 2. Financial Analysis. A review to determine if the financial impact upon the City of Seattle can be reduced or avoided by intergovernmental agreement.***

The Final Environmental Impact Statement for the Central Link Light Rail Project addresses the potential impacts of the project, including the potential financial impact on the City of Seattle.

The potential financial impact was considered by the Federal Transit Administration prior to issuance of its Record of Decision which included measures to mitigate potential impacts.

3. ***Special Purpose Districts. When the public facility is being proposed by a special purpose district, the City should consider the facility in the context of the district's overall plan and the extent to which the plan and facility are consistent with the Comprehensive Plan.***

It appears that Sound Transit is not a Special Purpose District. However, the City has considered the Central Link Rail Project in its entirety. The City participated in preparation of the Sound Move plan and in the EIS for the Central Link Project and was actively involved in the siting decisions for the various segments of the Central Link Project. As part of planning for the Central Link Project, the City Council passed resolution 30128 (dated April 17, 2000) approving the alignment, transit station locations, and maintenance base location for the project in Seattle. The City's Comprehensive Plan directly supports the project. Comprehensive Plan Policy T34 calls for the City to support the development of an integrated regional transportation system that includes light rail. Policies T35 and T38.5 also address a potential light rail system.

4. ***Measures to Facilitate Siting. The factors that make a particular facility difficult to site should be considered when a facility is proposed, and measures should be taken to facilitate siting of the facility in light of those factors (such as the availability of land, access to transportation, compatibility with neighboring uses, and the impact on the physical environment).***

Potential impacts of the project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2001 FEIS Addendum for the Initial Segment. Please refer to the SEPA analysis included with this report.

**SMC 23.80.004 B:**

This subsection states that if the decision maker determines that attaching conditions to the permit approval will facilitate project siting in light of the considerations identified above, the decision maker may establish conditions for the project for that purpose. Potential impacts of the project and the measures to mitigate those impacts are discussed in the 1999 FEIS and the 2001 FEIS Addendum for the Initial Segment. Please refer to the SEPA analysis included with this report.

**23.80.004 C: Light rail transit facilities.**

1. ***Light rail transit facilities necessary to support the operation and maintenance of a light rail transit system are permitted in all zones within the City of Seattle.***

The proposed element of the Central Link Light Rail Project is permitted in the subject IG-2 U/85 zone.

2. ***The Director may approve a light rail transit facility pursuant to Chapter 23.76, Master Use Permits and Council Land Use Decisions only if the alignment, transit station locations, and maintenance base location of the light rail transit system have been approved by the City Council by ordinance or resolution.***

The City of Seattle City Council passed and the Mayor approved Resolution 30128 (dated April 17, 2000) approving the alignment, transit station locations, and maintenance base location for Sound Transit's Central Link Light Rail project in Seattle. The proposed Operations and Maintenance Base Facility is consistent with the approved station location.

3. ***When approving light rail transit facilities, the Director may impose reasonable conditions in order to lessen identified impacts on surrounding properties. A Master Use Permit is not required for the installation of tracks, below-grade facilities, minor alteration of light rail transit facilities involving no material expansion or change of use, and other minor new construction that, in the determination of the Director, is not likely to have significant adverse impacts on surrounding properties.***

This Master Use Permit application is for the construction of the Operations and Maintenance Base Facility. The project is an integral part of the overall transit system. Sound Transit issued a Final FEIS for the proposed system in November of 1999 and Addendum to the Final EIS for the Initial Segment on November 16, 2001. The environmental documents identified potential impacts of the system and its components, as well as adequate mitigation measures. Please refer below to the SEPA analysis related to the mitigation of the potential impacts of this project.

4. ***When approving light rail transit facilities, the Director may impose conditions to ensure consistency with the Seattle Design Guidelines for Link Light Rail to be developed by the City and Sound Transit.***

The City of Seattle has developed design guidelines to specifically address the Link light rail system under development by Sound Transit. These design guidelines apply to the development of the transit stations, and do not apply to the other elements of the system such as the subject Operations and Maintenance Base Facility. However, it should be noted that that facility is subject to conditions of approval imposed by the City Council as a result of the related Street Vacation approval for the underlying vacation of former street rights-of-way (CF 304506) on the site. Several public benefit features including enhanced landscaping along Airport Way S.; a public viewing area for visitors to the site; transit shelters with wheelchair pads and lighting; and revised street alignment for 8th Avenue S. The submitted site plans include these requisite features.

5. ***A Master Use Permit for light rail transit facilities shall not be issued until the Director has received satisfactory evidence that the applicant has obtained sufficient funding (which might include a Full Funding Grant Agreement with a federal agency) to complete the work described in the master use permit application.***

Prior to issuance of this master use permit, the applicant shall be required to submit satisfactory evidence that Sound Transit has obtained sufficient funding to complete construction of this element of the system.

### **DECISION – ESSENTIAL PUBLIC FACILITY**

The Essential Public Facility application request is **APPROVED**.

### **ANALYSIS - SEPA**

Central Puget Sound Regional Transit Authority (Sound Transit) as lead agency has disclosed the environmental impacts of the proposed Operations and Maintenance (O&M) Base Facility in a Final Environmental Impact Statement (FEIS) issued in November of 1999. The FEIS includes information on seven different alternative locations and configurations for an operations and maintenance base facility. The preferred alternative chosen and the subject of this application is identified in the document as alternative M1-D. An addendum to the Final EIS for the Initial Segment was issued on November 16, 2001, which generally evaluated a reduced rail alignment (from 21 miles to an initial 14 mile segment). The Director hereby incorporates by reference the FEIS and the Addendum to the FEIS. The addendum concludes that there has been no substantial change in impacts from those identified in the foregoing EIS materials. The information in the EIS, supplemental information provided by the applicant (plans, further project descriptions), and the experience of the lead agency with review of similar projects form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665) establishes the relationship between codes, policies, and environmental review. Specific policies for specific elements of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority. The Overview Policy states in part: *"where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation"* (subject to some limitations).

Under certain limitations/circumstances (SMC 25.05.665 D 1-7) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is cited below.

### **Short - Term Impacts**

The following temporary or construction-related impacts are expected:

- decreased air quality due to suspended particulates from construction activities and hydrocarbon emissions from construction vehicles and equipment;
- increased dust caused by construction activities; potential soil erosion and potential disturbance to subsurface soils during grading, excavation, and general site work;
- increased traffic and demand for parking from construction equipment and personnel;
- conflicts with normal pedestrian and vehicular movement adjacent to the site;
- increased noise; and
- consumption of renewable and non-renewable resources.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: Stormwater, Grading and Drainage Control Code (grading, site excavation and soil erosion); Street Use Ordinance (watering streets to suppress dust, removal of debris, and obstruction of the pedestrian right-of-way); the Building Code (construction measures in general); and the Noise Ordinance (construction noise). The ECA ordinance and DR 3-93 and 3-94 regulate development and construction techniques in designated ECA's. Compliance with these applicable codes and ordinances will reduce or eliminate most of the short-term impacts to the environment. Other impacts may not be adequately mitigated by existing ordinances, as discussed below.

#### **Air Quality**

The Puget Sound Clean Air Agency (PSCAA) regulations require control of fugitive dust to protect air quality. Most of the on-site grading work has been completed under the previously issued permits for demolition on the site. Compliance with PSCAA regulations will mitigate the potential adverse short term impacts to air associated with new construction. No further mitigation pursuant to SEPA policies is warranted.

#### **Grading - Earth/Soils**

Any additional information required to show conformance with applicable ordinances and codes (ECA ordinance, The Stormwater, Grading and Drainage Control Code, DR 3-93, and 3-94) will be required prior to issuance of a building permit for construction of the maintenance base, elevated tracks and the supporting structures. The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material. The current

proposal involves cuts greater than three feet in height and grading of more than 100 cubic yards of material. Also, the operations and maintenance facility that is the subject of this MUP application would be located partially in an environmentally critical/liquefaction-prone area. Consistent with SMC 25.09.100, soils engineering studies are required prior to issuance of a building permit for the project to determine the physical properties of the surficial soils, especially the thickness of the unconsolidated deposits, and their liquefaction potential. If it is determined that the site is subject to liquefaction, mitigation measures must be recommended and implemented through requirements of SMC Title 22, Subtitle VIII, Grading and Drainage Control Ordinance, SMC Title 22, Subtitle I Building Code, and any other applicable codes or regulations pertaining to development within liquefaction-prone areas. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

#### Traffic and Parking

Excavation of approximately 81,000 cubic yards and approximately 11,000 cubic yards of fill were disclosed in the FEIS for the proposal. Most of the associated truck trips hauling graded material occurred during site prep activities in the previously issued demolition permit. No additional truck trips would be generated for the removal of excavated material. However, approximately 2,000 truck trips are anticipated for delivery of construction materials over the 12 to 18 month construction period. Construction traffic would minimally increase congestion in the area. The area has more than adequate street access to accommodate the increased traffic generated by the proposal. Parking for construction personnel would be on-site.

Therefore, no further mitigation for traffic and parking related impacts during construction is warranted pursuant to SEPA policies.

#### Noise

Excavation and other construction activities would generate short-term noise. The applicant states that all construction work would comply with the requirements of the Noise Ordinance. There are no sensitive noise receptors such as residences or sensitive commercial uses that are close to the project site. Therefore, no SEPA policy based conditioning of noise impacts of the project is warranted.

#### Archeological/Cultural Resources

Since a portion of the proposal site is located with the identified U.S. Government Meander Line, the potential exists for discovery of archeological significant resources and there may be some potential for unknown resources to be discovered. Director's Rule (DR) 2-98 provides clarification of State Environmental Policy Act (SEPA) Historic Preservation Policy for potential archeologically significant sites (SMC 25.05.675.H) and requirements for archeological assessments. Therefore, in the event such resources are found during construction, the proposal will be conditioned pursuant to DR 2-98 and as noted at the end of this report.



### **Long-term Impacts**

Long-term or use-related impacts are also anticipated from the proposal, and include:

- Impact on the existing and/or anticipated industrial and commercial uses in the vicinity of the project;
- Increased height, bulk and scale on the site;
- Increased ambient noise due to operations of the system;
- Increased demand on public services and utilities;
- Increased light and glare;
- Increased energy consumption; and
- Increased on-street parking demand and vehicle traffic.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. The Stormwater, Grading and Drainage Control Code requires on-site collection of stormwater, with provisions for controlled tightline release to an approved outlet, and additional design elements to prevent isolated flooding. The Land Use Code controls site coverage, setbacks, building height and use, and contains other development and use regulations to assure compatible development. Generally, compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts. However, due to the scale and nature of the proposal, potential impacts warrant further analysis.

### **Traffic and Transportation**

The FEIS disclosed that approximately 400 full time equivalent employees are anticipated for the facility. Daily week-day vehicle trips are estimated at 309 trips. Operations occur on a 24-hour schedule, thus reducing typical peak-hour demand on the surrounding street system. Again, the property abuts Airport Way S., which at this location is a six-lane major arterial, and has more than adequate capacity to accommodate traffic generated by the proposal. As a condition of Street Vacation approval, the City Council has required that Sound Transit submit an employee transportation plan (TMP) which would further reduce the amount of single occupancy vehicle trips to the site.

Therefore, no additional mitigation is warranted pursuant to SEPA policy.

### Land Use and Economic Activity

The FEIS disclosed that construction of the O&M facility would displace several industrial, manufacturing, and warehousing-type businesses but would not significantly alter area-wide land use patterns. When displacements are unavoidable, Sound Transit provides relocation services and benefit payments. Associated demolition permits have already been issued and the businesses previously located on the subject property have relocated. Sound Transit provided relocation payments to both businesses in accordance with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, As Amended, and in accordance with Sound Transit's Real Property Acquisition and Relocation Policy Procedures and Guidelines. No additional mitigation is warranted pursuant to SEPA policy.

### Height, Bulk and Scale

The SEPA Height, Bulk and Scale Policy (25.05.675.G) states that:

*"The height, bulk and scale of development projects should be reasonably compatible with the general character of development anticipated by the goals and policies set forth in Section C of the land use element of the Seattle Comprehensive Plan ... and the adopted land use regulations for the area in which they are located, and to provide for a reasonable transition between areas of less intensive zoning and more intensive zoning."*

The project site is zoned IG-2 with an 85-foot height limit. All properties in the vicinity have the same zoning designation as the subject site. The maximum height of the O&M facility would be approximately 68 feet above existing grade level. The project is developed in compliance with the development standards of the zone, and is thereby in keeping with the scale of development anticipated in the area. No public views would be blocked as a consequence of the proposal. Therefore, there are no significant height, bulk and scale impacts and no additional mitigation is warranted pursuant to SEPA policy.

### Noise

The proposed segment of the system will generate long-term noise. However, there are no sensitive noise receptors such as residences or sensitive commercial or institutional uses in proximity. Therefore, no SEPA policy based conditioning of noise impacts of the project is warranted.

### Utilities

Permanent relocation and consolidation of public utilities, including sewer and storm water mains, gas lines, and overhead power lines. Sound Transit would obtain the necessary agency/City department approvals in conjunction with construction permit review. No additional mitigation is warranted pursuant to SEPA policy.

## **CONCLUSION -SEPA**

No additional conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665). Applicable conditions of approval together with codes and development regulations applicable to this proposed project, provide sufficient mitigation for all other impacts identified in the adopted environmental documents.

The DEIS and FEIS together with associated appendices and studies; the master use permit plans submitted on the project; and responses to requests for information all comprise DCLU's public record. Conditions imposed pursuant to SEPA assume installation of mitigating devices, structures and measures noted in the above analysis. Pursuant to SMC 25.05.600.D.1, DCLU relies on Sound Transit's FEIS in conditioning project approval. The SEPA conditions listed below are imposed based on master use permit plans date stamped April 10, 2002, as well as on all environmental documentation submitted to date.

### **DECISION - SEPA**

Environmental impacts for the proposal were identified and analyzed in the Final Environmental Impact Statement issued by Sound Transit. DCLU has the authority to mitigate impact pursuant to the city's SEPA practices. Therefore, the proposal is APPROVED subject to the conditions/mitigating measures noted at the conclusion of this report.

### **CONDITIONS - ESSENTIAL PUBLIC FACILITIES**

1. Prior to issuance of this master use permit, the applicant shall be required to submit satisfactory evidence that Sound Transit has obtained sufficient funding to complete construction of this element of the system.

### **CONDITIONS - SEPA**

Sound Transit shall:

#### **Prior to Issuance of Master Use Permit**

2. Provide DCLU with a statement that the contract documents for their general, excavation, and other subcontractors will include reference to regulations regarding archaeological resources (Chapters 27.34, 26.53, 27.44, 79.01, and 79.90 RCW, and Chapter 25.48 WAC as applicable) and that construction crews will be required to comply with those regulations.

#### **During Construction**

3. If resources of potential archaeological significance are encountered during construction or excavation, the Sound Transit parties shall:

- Stop work immediately and notify DCLU Carol Proud, (206) 233-7197 and the Washington State Archaeologist at the State Office of Archaeology and Historic Preservation (OAHp). The procedures outlined in Appendix A of Director's Rule 2-98 for assessment and/or protection of potentially significant archeological resources shall be followed.
- Abide by all regulations pertaining to discovery and excavation of archaeological resources, including but not limited to Chapters 27.34, 27.53, 27.44, 79.01 and 79.90 RCW and Chapter 25.48 WAC, as applicable, or their successors.

For the Life of the Project

4. Comply with all conditions and mitigating measures listed herein and described in the adopted FEIS for the proposal to the satisfaction of the City. For conditions which specify approval by a particular agency of the City or a State or Federal agency, that approval will constitute satisfactory compliance. Unless otherwise noted, DCLU shall determine the issue of satisfactory compliance with conditions imposed under City authority.

**CONDITIONS - STREET VACATION** (Non-appealable conditions, for information only)

1. The vacation is granted to allow the petitioners, Sound Transit and ALCO, to build projects substantially in conformity with the projects presented to the City Council and for no other purpose. The projects must be substantially in conformity with the proposal presented to the Transportation Committee in June of 2002.
2. All street improvements shall be designed to City standards and be reviewed and approved by Seattle Transportation; including ingress and egress, turning movements to access the building, service, loading and drop-off areas, signage, street trees, landscaping and other elements of the street improvement plan. Sound Transit shall provide:
3. The landscaping along Airport Way South and Diagonal Avenue South and on the interior pedestrian walkway.
  - The viewing area proposed to provide for visitors and tours of the site.
  - Replace the existing bus stops with stops with shelter, wheelchair pads and lighting.
  - Address design issues related to the remaining public portion of 8th Avenue South, this may include signage, a cul-de-sac treatment, or other means. The area of 8th Avenue South to be vacated shall be moved north by 20 feet, so that the vacation ends at the property line between Lot 18 and Lot 19 of Block 256, Seattle Tidelands Addition.
4. The utility issues shall be resolved to the full satisfaction of the affected utility prior to the approval of the final vacation ordinance. Prior to the commencement of any development activity on the site, the Petitioners shall work with the effected utilities and provide for the

protection of the utility facilities. Resolution of the utility issues may include construction or permanent easements, restrictive covenants, relocation agreements, or acquisition of the utilities, which shall be at the sole expense of the petitioner. Utilities impacted include:

- City Light,
- Qwest Communications,
- Seattle Public Utilities,
- Puget Sound Energy,
- King County Wastewater Division.

5. It is expected that development activity will commence within 18 months of this approval and the development activity will be completed within five years. If the vacation cannot be completed within five years, the Transportation Committee must approve an extension of time. In order to insure timely compliance with the conditions imposed by the City Council, the petitioner shall provide Seattle Transportation with Quarterly Reports, commencing following Council approval of the vacation, providing an update on the development activity and schedule and the progress on meeting the conditions.
6. In addition to the conditions imposed through the vacation process, the project, as it proceeds through the permitting process, is subject to SEPA and to conditioning pursuant to various City codes and through regulatory review processes including SEPA.
7. Sound Transit shall develop a Transportation Management Plan (TMP) even if such TMP is not required by City code or State law and Sound Transit shall provide the TMP to the Transportation Committee for its review prior to the passage of the final vacation ordinance.

Signature: \_\_\_\_\_ (signature on file) Date: June 16, 2003

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Land Use Services

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